

16-55286
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JACOB GREGOIRE,

Plaintiff-Appellee,

v.

CALIFORNIA HIGHWAY PATROL, an
agency of the State of California; SERGIO
FLORES,

Defendants-Appellants.

On Appeal from the United States District Court
for the Southern District of California

No. 3:14-cv-01749-GPC-DHB
The Honorable Gonzalo P. Curiel,
United States District Judge

APPELLANTS' MOTION FOR EXTENSION OF TIME
TO FILE APPELLANTS' REPLY BRIEF

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COME NOW Appellants California Highway Patrol and Sergio Flores and respectfully submit the following motion requesting a fourteen-day extension of time to file Appellants' Reply Brief:

MOTION

For the reasons stated in the attached Declaration of Douglas E. Baxter in Support of Appellants' Motion for Extension of Time to File Appellants' Reply Brief (hereafter "Baxter Declaration"), Appellants are respectfully requesting a fourteen-day extension of time to file their Reply Brief. Currently, the deadline for filing the Reply Brief is July 28, 2017. Appellants' previously requested and received a streamlined extension of thirty days. The new deadline being requested by Appellants is August 11, 2017.

ARGUMENT

Rule 26(b) of the Federal Rule of Appellate Procedure provides, in pertinent part: "For good cause, the court may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires."

Appellee Jacob Gregoire filed his Answering Brief on June 16, 2017. (ECF Doc. 30.) Throughout the entire month of June 2017, Appellants' counsel Douglas E. Baxter was in trial in the Orange County Superior Court case of *Frances Prizzia v. California Department of Motor Vehicles, et al.*, 30-2013-00632497-CU-CR-

CJC. Appellants' counsel was unable to complete any work on the Reply Brief in June due to the state court trial. (Baxter Decl., p.2, ¶ 3.)

On July 3, 2017, the Court granted Appellants' streamlined request for an extension of time to file Appellants' Reply Brief. The new deadline became July 28, 2017. (ECF Doc. 34.) As explained in paragraphs 4 through 6 of the Baxter Declaration, Appellants' counsel's time commitments to multiple other civil actions in July will prevent counsel from completing the Reply Brief before July 28, 2017. In addition, it is the policy of the California Attorney General's Office that appellate briefs be reviewed at multiple supervisory levels before they can be filed. Furthermore, staff attorneys for the California Highway Patrol must also review appellate briefs prepared by the California Attorney General's office before such briefs can be filed. (Baxter Declaration, p. 4, ¶ 6.)

While counsel has commenced work on the research and argument development for the Reply Brief, the additional fourteen days being requested is needed for counsel to complete an initial draft, circulate for supervisory and client review, make revisions, and prepare the final product for filing. (Baxter Declaration, p. 4, ¶ 6.)

On the morning of July 21, 2017, Appellants' counsel contacted Appellee's counsel Thomas Luneau and Steve Hoffman by email to ask whether they would

object to this request for a fourteen-day extension of time for Appellants to file their Reply Brief. Both counsel responded by email that they did not object.

CONCLUSION

Appellants respectfully ask the Court to grant a fourteen-day extension of the current July 28, 2017, deadline for Appellants to file their Reply Brief. The new deadline being requested is August 11, 2017.

Dated: July 21, 2017

Respectfully Submitted,

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/S/ DOUGLAS E. BAXTER
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CERTIFICATE OF SERVICE

Case Name: Gregoire v. CHP

No. A16-55286

I hereby certify that on **July 21, 2017**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**1. APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S REPLY BRIEF**

**2. DECLARATION OF DOUGLAS E. BAXTER IN SUPPORT OF APPELLANTS'
MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' REPLY BRIEF**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 21, 2017**, at San Diego, California.

J. L. Hall
Declarant



Signature

SD2016700257